

REMARKS

This application has been carefully reviewed in light of the Office Action dated April 21, 2004. Claims 1-10 remain pending in this application. Claims 1 and 8 are the independent claims. Favorable reconsideration is respectfully requested.

Applicant notes with appreciation the indication that Claims 2-7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.. Applicant respectfully refrains from so amending Claims 2-7 at this time because they believe their respective base claim to be allowable.

On the merits, the Office Action rejected Claims 1 and 8-10 under 35 U.S.C. § 102(e) as being anticipated by Taki (U.S. Patent No. 6,111,909; hereinafter "Taki"). Applicant respectfully traverses the rejection as being in error.

Taki fails to recite or suggest updating the list in respect of the frequencies it contains between successive selections of a frequency therefrom, the detail of each updating being dependent upon the part of the succession of frequencies so far selected. Rather, Taki consecutively updates index numbers which lead to a different value being read from the same data storing table. Although the index numbers of Taki can be modified, the list of

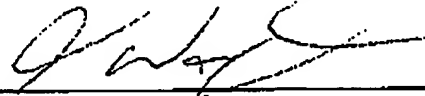
available frequencies cannot be dynamically updated. Thus Taki fails to recite every element of Applicant's Claim 1 and Applicant respectfully traverses the rejection.

Claim 8 recites an apparatus substantially corresponding to the method of Claim 1 and is believed patentable for at least the same reasons.

Claims 9-10 depend from one or another of the independent Claims discussed above and are believed patentable for at least the same reasons. Further, Applicant respectfully believes Claims 19-10 to be independently patentable and request separate consideration of each claim.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the currently-pending claims are clearly patentable. Accordingly, entry of this amendment, reconsideration of the rejections of the claims over the references cited, and allowance of this application is earnestly solicited.

Respectfully submitted,

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